

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
CHARLOTTESVILLE DIVISION

JUN 04 2008

JOHN F. CORCORAN, CLERK
BY: 
DEPUTY CLERK

DAVID E. CALKINS,

Plaintiff,

v.

PACEL CORPORATION,

Defendant.

Case No. 3:07cv00025

PACEL CORPORATION,

Counterclaim Plaintiff,

ORDER

v.

JUDGE NORMAN K. MOON

DAVID E. CALKINS,

F. KAY CALKINS, AND

DUCHESSE FARMS, LLC,

Counterclaim Defendants.

This matter is before the Court on Counterclaim Plaintiff Pacel Corporation's Renewed Motion for Default Judgment Against Counterclaim Defendants F. Kay Calkins and Duchesse Farms, LLC (docket #73). For the reasons set forth in the accompanying Memorandum Opinion:

1. Pacel's Renewed Motion is hereby GRANTED;
2. the Clerk of the Court is hereby directed to enter default judgment on Pacel's Counterclaim in favor of Pacel and against Kay Calkins and Duchesse Farms, as to Kay Calkins' and Duchesse Farms' liability only; and
3. the entry of final default judgment, including the amount of damages, is hereby HELD IN ABEYANCE until the question of David Calkins' liability has been resolved.¹

¹ In addition to the default judgments, Pacel is entitled to its "reasonable expenses, including attorney's fees, caused by the failure" of Kay Calkins and Duchesse Farms to comply with the December 21, 2007 order. Fed. R. Civ. P. 37(b)(2)(C). Accordingly, Pacel may submit to the Court within thirty (30) days of the date of this Order a

It is so ORDERED.

The Clerk of the Court is hereby directed to send a certified copy of this Order to all counsel of record.

Entered this 4th day of June, 2008.



NORMAN K. MOON
UNITED STATES DISTRICT JUDGE

verified accounting of its expenses, including attorney's fees. Following Pacel's submission, the amount and apportioning of reasonable expenses to be paid by Kay Calkins, Duchesse Farms, and/or their attorney, as well as the deadline for payment, will be determined by Magistrate Judge Crigler pursuant to the Court's earlier referral of all nondispositive pretrial issues.